## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

In Re: The Seizure of Various Electronics ) MISC NO. 3:24-mc-00839-CMC )

## ORDER EXTENDING TIME TO FILE JUDICIAL FORFEITURE ACTION

Pursuant to 18 U.S.C. § 983(a)(3)(A), <sup>1</sup> the United States has moved for an order extending the time in which the government is required to file a judicial forfeiture action seeking forfeiture of various electronics identified as One Lenovo Laptop, One Amazon Tablet, Four Cell Phones, Four Hard Drives, Four SD Cards, Two DVD-Rs and Nineteen Thumb Drives (the "Subject Properties"), which were seized by agents of Homeland Security Investigations on August 5, 2024. The government seeks to extend the current filing deadline by 90 days, based upon the pendency of a related criminal investigation and the likelihood that the government will file criminal forfeiture proceedings against the same properties in the event that the assets are included in an indictment.

Pursuant to Section 983(a)(3)(A) of Title 18, the current deadline for filing a judicial forfeiture action is December 5, 2024. The government proposes a new filing deadline of March 5, 2025. Absent an extension, the United States has advised the court that the government will

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

(Emphasis added.)

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<sup>&</sup>lt;sup>1</sup>18 U.S.C. § 983(a)(3)(A), provides:

file a civil complaint for forfeiture *in rem*, which would be duplicative of the anticipated criminal forfeiture proceedings.

In further support, the government made the following showing:

- 1. Pursuant to 18 U.S.C. § 983(a)(1)(A), the government provided the known potential claimant with written notice of the government's intention to administratively forfeit the Subject Properties. On September 6, 2024, the claimant filed an administrative claim contesting forfeiture.
- 2. The Subject Properties are associated with a pending criminal investigation in this district being supervised by AUSA Scott Matthews. AUSA Matthews anticipates the filing of a criminal Indictment that will include provisions providing for the forfeiture of the Subject Properties pursuant to Rule 32.2, Fed.R.Crim.P. and 21 U.S.C. § 853. Such criminal forfeiture proceedings would likely make the filing of parallel civil forfeiture proceedings duplicative and unnecessary.
- 3. The claimant has retained attorney Dayne Phillips of Columbia, South Carolina, to represent him in this matter.
- 4. Attorney Phillips and his client join, agree, and consent to the motion to extend the time to file a judicial forfeiture action.
- 5. Avoiding multiple judicial forfeiture actions related to the same property constitutes "good cause" for an extension of the judicial filing deadline under 18 U.S.C. § 983(a)(3)(A).

Having considered this matter, and finding good cause, the Court grants the motion of the United States, pursuant to Section 983(a)(3)(A), and orders that the time period in which the United States is required to file a judicial forfeiture action against the Subject Properties is extended to March 5, 2025.

AND IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON McGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina November 7, 2024